IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 1194 OF 2003

M/s. Shramik Gymkhana, Mumbai .. Petitioners
V/s.
Municipal Corporation of Gr. Mumbai
& Anr. .. Respondents

Mr. R.V. Govalikar i/b. Mr. K.D. Jha for the Petitioners
Ms. A.Y. Sanglikar for the Respondent-BMC.

CORAM : F.I. REBELLO &
S.P. KUKDAY, JJ.
DATED : 14.03.2005

P.C.:-

1. We have heard the learned counsel for the parties. The plot was given to the Petitioners initially for a period of five years. That period has come to an end. It is the case of the Respondents that the plot was not developed. It is the case of the Petitioners that they have carried out various activities and further development could not be done on account of failure of the Respondents to provide water.

2. We find that an order came to be passed dated 8.12.2003 directing the Respondents to consider the representation of the Petitioners. That the learned counsel for the Respondents points out has been rejected.

3. Considering the controversy involved and as there is no subsisting agreement, we do not think that this is a fit case for this Court to exercise it’s extraordinary jurisdiction, hence no interference is called for. It

will be open to the Petitioner if they are entitled to any compensation to pursue the same before a competent forum or Civil Court. Petition dismissed. Interim order stands vacated.

(F.I. REBELLO, J.)

(S.P. KUKDAY, J.)